

# MAINE STATE LEGISLATURE

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**STATE BOARD OF EDUCATION  
GOVERNMENT EVALUATION ACT  
PROGRAM EVALUATION ACT**

**November 1, 2005**

**Submitted to**

**JOINT STANDING COMMITTEE ON EDUCATION  
AND CULTURAL AFFAIRS**

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## **EXECUTIVE SUMMARY**

### **Introduction:**

The State Government Evaluation Act, 3, MRSA, Sections 951-963, provides for a system of periodic review of government agencies and independent agencies associated with State Government in order to evaluate their effectiveness, efficiency and performance. The legislation requires that the agency prepare and submit a program report to the Legislature, through the standing committee of jurisdiction, that includes a review of agency management and organization, program delivery, agency goals and objectives, statutory mandates and fiscal accountability. The report must include:

### **Section A. Enabling Legislation (State and Federal)**

This section contains an inventory of state and federal statutes enabling all program units and activities of the State Board and the Department of Education. Those directly relevant to the State Board are highlighted for your convenience. It also contains a matrix or chart indicating how these statutes and rulemaking are carried out by the State Board.

### **Section B. Organizational Structure**

This section contains the leadership and committee structure of the State Board of Education. It shows the Standing Committees as well as those created pursuant to requests for information or study received from the Legislature or by Executive Order. State Board members serve on a wide variety of other committees and task forces outside the Board structure, and those are also listed in this section.

### **Section C. Descriptions of Each Standing Committee**

This section lists the Standing Committees of the State Board with complete descriptions of their purpose, staff support, goals and objectives, performance reports, barriers to performance, coordination with other agencies, constituencies served by the committee and statutory references where applicable. This section contains the majority of the items required in section 956, Program Evaluation Report.

### **Section D. Ten Year Financial Summary**

This section provides a summary of funding levels and areas of expenditure for the State Board.

**Section E: Emerging Issues for the State Board**

The State Board is committed to furthering quality education for all of Maine’s young people so that they can have fulfilling lives and make important and substantive contributions to their communities. In this section the State Board previews the initiatives and issues we feel are critical to the achievement of that vision of quality learning for all Maine students. The Board plans to:

- remain closely involved with the implementation and revision of the Maine Learning Results,
- implement standards and assessments for initial teacher certification,
- provide leadership in developing and implementing a sound, fair state policy to construct quality educational facilities for the largest number of students possible,
- work with state agencies and local SAU’s to develop rich curriculum and efficient use of resources that delivers quality education with respect for community identity,
- work with the Department to ensure that Essential Programs and Services provide adequate and equitable funding so that ALL Maine students have the opportunity to achieve the Maine Learning Results,
- encourage the implementation of technology in learning and professional development in all Maine schools,
- cooperate with other agencies to encourage a culture that supports schools in their efforts to provide an integrated program of mental and physical wellness,
- work to ensure that all secondary school graduates are prepared for work, postsecondary education and citizenship.
- work throughout the State and with the Legislature and the administration to encourage the thoughtful consideration of the recommendations contained in “The Learning State: Maine Schooling in the 21<sup>st</sup> Century.”

**Section A.**

**Department of Education Statutory Responsibilities Under Title 20-A MRSA, Other State Titles and Federal Statutory References  
July 11, 2005**

<b>Functions</b>	<b>MRSA, 20-A and Federal Statutory Reference</b>	<b>Policy/Rulemaking Authority</b>	<b>Administrative Authority</b>	<b>Implementation Who/How</b>
Department Administration Purpose of the Department	Chapter 3 §201, sub §1,2,4	Commissioner's General Rulemaking Authority	Supervise public education, interrelate with other programs, advance public education	Commissioner
Department Organization	Chapter 3 §202, sub§1,1-A,3,4,5,11,16,17		State Board of Education, Commissioner of Education, other entities authorized by the Legislature and other bureaus established by the Commissioner	State Board of Education Commissioner
Appointments	Chapter 3 §203, sub §A, F, J		Appointed positions are Deputy Commissioner; Director, Planning and Management Information;	Commissioner Appoints

<b>Functions</b>	<b>MRSA, 20-A and Federal Statutory Reference</b>	<b>Policy/Rulemaking Authority</b>	<b>Administrative Authority</b>	<b>Implementation Who/How</b>
Commissioner	Chapter 3 §251, sub§1, 2		Appointment Term of Office	Governor State Board of Education Education Committee of Legislature Legislature
Response to School Bomb Threats	Chapter 3 §263-1	Authority to develop guidelines, policies and protocols	Development of prototype guidelines, policies and protocols for local school administrative units to present to their communities in implementing policies for the prevention and responses to school bomb threats.	Commissioner
Reporting of Bomb Threats	Chapter 3 §263-2	Authority to collect data on local school bomb threats	Receive reports of bomb threats from school administrative units and annually report results to the joint standing committee of the legislature having jurisdiction over education matters.	Commissioner
Responsibilities of Commissioner	Chapter 3 §251-A, sub§1,2,3	Commissioner's General and specific Rulemaking Authority	Enforce regulatory requirements, provide technical assistance, provide educational leadership	Commissioner

<b>Functions</b>	<b>MRSA, 20-A and Federal Statutory Reference</b>	<b>Policy/Rulemaking Authority</b>	<b>Administrative Authority</b>	<b>Implementation Who/How</b>
Commissioner's Duties	Chapter 3 §253, sub §1, 2, 3, 4, 5, 6, 7		Outlines general duties, hiring, delegation, specific duties, appointment of supervisors, agricultural consultant and school nurse coordinator.	All Department Organizational Units and State Board of Education Commissioner
Commissioner's Powers	Chapter 119 §3301-3305	Commissioner's General Rulemaking Authority	Outlines general powers of appointing agents, employing special attendance officers, contracting for outside education and room and board for EUT students, employment of staff in EUT schools, care of school property in the unorganized territories and taking of land	Commissioner
Educational Duties	Chapter 3 §254, sub §1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12	Commissioner's General and Specific Rulemaking Authority	General duties, training & development, contracts for applied technology programs, superintendent conference, medication, other duties, clearinghouse for information on nuclear usage, model hiring procedure, statewide goal for women in administrative positions, technical assistance and statewide standards for reintegration planning for juvenile offenders, gender equity, statewide standards for student behavior.	Commissioner

Functions	MRSA, 20-A and Federal Statutory Reference	Policy/Rulemaking Authority	Administrative Authority	Implementation Who/How
School Administrative Unit; reports, records, information	Chapter 3 §255, sub§1,2,3,4,5		Pamphlet of laws (annual law books), record books, forms, maintaining records, public information	Commissioner
Miscellaneous Duties	Chapter 3 §256, sub §1, 2, 3, 4, 5, 6, 7 §15401		Report to Governor and Legislature, join educational organizations, control of gift-established schools, duties imposed by charters, central information system for persons with disabilities, compile annual data, report on women in public school administration, and administer all allotments of federal funds pertaining to schools, educational programs and institutions of higher education.	Commissioner
High School Equivalency Diplomas	Chapter 3 §257, sub §1, 2, 3		Issuance of diploma, equivalency diploma status, fees.	Commissioner
Inspection of Schools	Chapter 3 §258-A, sub §1, 2, 3, 4		Inspection of schools: petition of request, periodic reviews, special reviews, private schools.	Commissioner
Air Quality Testing	Chapter 3 §258-B sub-§1, 2		Petition percentage required for an inspection of schools to test air quality, and notification of citizens of procedures for petitioning.	Commissioner

<b>Functions</b>	<b>MRSA, 20-A and Federal Statutory Reference</b>	<b>Policy/Rulemaking Authority</b>	<b>Administrative Authority</b>	<b>Implementation Who/How</b>
School Finance	Chapter 601, §15001-15007, Chapter 603, §15401, Chapter 606, §15602-15621, Chapter 606-A, §15651- 15659 and Chapter 606-B, §15670-15689 Federal 34 CFR Part 222 – Impact Aid	Commissioner’s Specific and General Rulemaking Authority	Administer the School Finance Act, administration of federal aid, review reports, review audits, enforce compliance, determine and recommend annual funding levels for GPA, distribute GPA to local school administrative units, provide technical assistance, provide essential programs and services and administer federal aid and federal impact aid	Commissioner
Certification of funding level for local school administrative units	Chapter 606 and 606-A §15605	Commissioner recommends funding levels to the Governor and the State Board of Education	State Board of Education Recommends funding levels to the Governor and the Legislature	Governor recommends funding levels to the Budget Office and the Legislature. Commissioner and State Board of Education presents funding levels before the Legislature
Teacher Recognition Grants	Chapter 506 §13501-13509	Commissioner’s Specific and General Rulemaking Authority	Administer programs and adopt rules as necessary	Commissioner

<b>Functions</b>	<b>MRSA, 20-A and Federal Statutory Reference</b>	<b>Policy/Rulemaking Authority</b>	<b>Administrative Authority</b>	<b>Implementation Who/How</b>
Schooling Privileges	Chapter 3 §261	Commissioner's Specific Rulemaking Authority	<p>Adopt rules regarding tuition charges, accounting, audits, contracts, etc. between sending and receiving school administrative units. Administer regulations and provide technical assistance.</p> <p>Adopt rules regarding residency, right of students to attend school in another administrative unit, homeless students, truants, dropouts, alternative education and other exceptions to the general residency rules. Administer regulations and provide technical assistance.</p>	Commissioner
Violence Prevention and Intervention	Chapter 3 §262	Commissioner provide technical assistance	Provide technical assistance to school administrative units in the process of violence prevention and intervention training for teaches, school staff and students. Emphasis on conflict resolution education, peer mediation and early identification of and response to signs of violence.	Commissioner
Restructuring Public Schools	Chapter 1 §8	Authority for the waiver of rules	Encourage schools to pursue an ongoing process of school restructuring. Waiver of rules for school restructuring and for educator preparation programs.	Commissioner State Board of Education

Functions	MRSA, 20-A and Federal Statutory Reference	Policy/Rulemaking Authority	Administrative Authority	Implementation Who/How
Administrative Procedures	Chapter 1 §3	General Rule Making Authority	Rules will be adjusted in accordance with the Maine Administrative Procedures Act, Title 5, Chapter 375.	Commissioner State Board of Education
Performance Budgeting/ Strategic Plan	5 MRSA Chapter 705		Implement performance budgeting, develop Department strategic plan and joint strategic plans with state agencies in common policy areas.	Commissioner
Education Coordinating Committee	Chapter 1 §9		Promote efficiency, cooperative effort, and strategic planning between the Department of Education, The State Board of Education, the University of Maine System, the Maine Technical College System and the Maine Maritime Academy. Chaired by Commissioner Annual Report to Governor and Legislature	Commissioner, Department of Education; Chair, State Board of Education; Chair, University of Maine System Trustees; Chancellor, University of Maine System; Chair, Maine Technical College System Trustees; President, Maine Technical College System; Chair, Maine Maritime Academy Trustees; President, Maine Maritime Academy

**State Board of Education**

<b>Functions</b>	<b>MRSA, 20-A and Federal Statutory Reference</b>	<b>Policy/Rulemaking Authority</b>	<b>Administrative Authority</b>	<b>Implementation Who/How</b>
Education Research Institute	Chapter 1 §10-3		To collect and analyze education information and perform targeted education research in cooperation with Education Research Institute Steering Committee (MEPRI).	Commissioner or designee
State Board of Education	Chapter 5 §401, §§1, 2, 3, 4, 5 §401-A, §§1		The State Board of Education consists of 9 members appointed by the Governor subject to review by the Joint Standing Committee having jurisdiction over education and confirmed by the Legislature. The term of office of each member shall be five years and is limited to no more than two five-year terms. The department shall provide staff support to the State Board of Education	Governor Commissioner
Responsibilities of the State Board of Education Advising the Commissioner	Chapter 5 §401-A, §§1, 2, 3	Commissioner's General Rulemaking Authority	The State Board of Education has the responsibility of advising the Commissioner in the administration of all mandated responsibilities of that position	The Commissioner reports and the board advises at State Board Meetings and other forums

State Board of Education

<b>Functions</b>	<b>MRSA, 20-A and Federal Statutory Reference</b>	<b>Policy/Rulemaking Authority</b>	<b>Administrative Authority</b>	<b>Implementation Who/How</b>
Powers and Duties of the State Board of Education Advisory Role	Chapter 5 §405, §§1 & 2  §406	State Board's General Rulemaking Authority	The State Board of Education shall have only the powers specifically stated in Title 20-A and shall advise the Commissioner concerning matters contained in this title.	The Commissioner reports and the Board advises at State Board Meetings and other forums
State Board of Education to Recommend Legislation	Chapter 5 §405, §§3-A §§6	State Board of Education shall recommend to the Legislature any new legislation or amendments to legislation for the efficient conduct of the public schools including laws necessary to establish student performance goals and standards	Propose and promote legislation	Commissioner State Board of Education
Formation of CSD's and SAD's	Chapter 5 §405, §§3-B §1101, §1201-1257, §1301-1354, §1601-1602, §1651-1654, §1701-1706	State Board of Education Approves the formation of school administrative units	Provide technical assistance on the formation of school administrative units, and financing of school administrative units.	Commissioner recommends State Board of Education approves

Functions	MRSA, 20-A and Federal Statutory Reference	Policy/Rulemaking Authority	Administrative Authority	Implementation Who/How
Withdrawal from/ Dissolution of/ Additions to/ Transfers among/and Closing of/ Schools, CSD's and SAD's	Chapter 5 §405, §§3-D §1401-1409 §1751-1752	State Board of Education reviews, when necessary, decisions made by the Commissioner	Provide technical assistance	Commissioner approves
Withdrawal from and Dissolution of a School Union	Chapter 109 §2103 §2104		Commissioner approves the agreement and certifies a dissolution. The Commissioner approves the agreement and initiates the withdrawal process.	Commissioner
Instructional Requirements and Graduation Standards	Chapter 207-A §4701-4729	Commissioner's General Rulemaking Authority and rulemaking specific to instructional requirements and graduation standards and Maine's <i>Learning Results</i>	Maintain review process and provide technical assistance	Commissioner

<b>Functions</b>	<b>MRSA, 20-A and Federal Statutory Reference</b>	<b>Policy/Rulemaking Authority</b>	<b>Administrative Authority</b>	<b>Implementation Who/How</b>
School Approval and School Accreditation	Chapter 5 §405, §§3-E Chapter 117, §2901, §2902, §§1-10, §2903, §2904, §2905, §2906, §2907 Chapter 206 §4501, §4504 §4511-4517	Joint Rulemaking Authority with Commissioner and State Board of Education for Public Schools and Private Schools	Administer school approval and school accreditation process and provide technical assistance	Commissioner State Board of Education
Approval for the Receipt of Public Funds by Private Schools	Chapter 5 §2954	Commissioner's General Rulemaking Authority	Administer statute and rules to approve the receipts of funds for tuition purposes for private schools	Commissioner
Certification of Teacher and Other Professional Personnel	Chapter 5 §405, §§F Chapter 501, §13003, 13004, 13006, 13007 Chapter 502, §13011-13023 Chapter 221 §6103	State Board Rulemaking Authority	Administer rules and certification procedures. Grant and revoke certificates, appeals, waivers, criminal history record check information, and targeted need certificates.	State Board of Education Commissioner

<b>Functions</b>	<b>MRSA, 20-A and Federal Statutory Reference</b>	<b>Policy/Rulemaking Authority</b>	<b>Administrative Authority</b>	<b>Implementation Who/How</b>
Teacher Qualifying Examination	Chapter 502-A §13031-13038	State Board of Education and Commissioner Joint Rulemaking Authority	Adopt Rules Administer the Teacher Qualifying Examination	State Board of Education Commissioner
Certification Records	Chapter 502 §13034	State Board of Education Rulemaking Authority	Adopt Rules Manage Records	State Board of Education Commissioner
Interstate Agreement on qualification of Educational Personnel	Chapter 511 §13901-13952		Enter into agreements with other states and administer state responsibility	Commissioner
Maine-New Hampshire Interstate School Compact	Chapter 121, Sections 3601-3671, Chapter 5, §405, sub§3-H		Act on articles of agreement between Maine and New Hampshire for creation of an interstate school district	State Board of Education
Career and Technical Education and Regions and Centers	Chapter 5 §405, §§3-I Chapter 313 §8301-A-8468 Federal Carl D. Perkins Vocational Education Act	State Board of Education Develops Plan for the Establishment of Centers and Regions. State Board Rulemaking Authority	Implement Plan, recommend and approve Center and Region Applied Technology Plans, programs financing, align regional school calendars between sending schools and career and technical centers and region, define changes in Boundaries, changes in status of Region or Center, Dissolve or Reorganize Region or Center	Commissioner recommends State Board of Education approves

<b>Functions</b>	<b>MRSA, 20-A and Federal Statutory Reference</b>	<b>Policy/Rulemaking Authority</b>	<b>Administrative Authority</b>	<b>Implementation Who/How</b>
Adult Education	Chapter 315 §8601-8611 Federal Workforce Investment Act, Federal Title II- Adult Education and Family Literacy Act, Federal No Child Left Behind Act of 2001	Commissioner's General Rulemaking Authority	Monitor local programs, administer state role and responsibilities, and provide technical assistance	Commissioner State Board of Education
School-to-Work Program	Federal School- to-Work Opportunities Act of 1994	General Rulemaking Authority	Administer Program and Provide Technical Assistance	Commissioner State Board of Education
Jobs for Maine Graduates	Chapter 226 §6901-6912		Commissioner Serves on the Board of Directors. Funding appears in the Department of Education's budget.	Commissioner
Administration of Federal Funds for construction of school facilities including vocational education facilities.	Chapter 5 §405, sub§3-Q Chapter 609 §15916 Federal Carl D. Perkins Act	State Board of Education Rulemaking Authority	State Board of Education to present plan to the Education Committee and the Legislature State Board of Education Task Force on Learning Results Commissioner	State Board of Education Commissioner

<b>Functions</b>	<b>MRSA, 20-A and Federal Statutory Reference</b>	<b>Policy/Rulemaking Authority</b>	<b>Administrative Authority</b>	<b>Implementation Who/How</b>
Approve Projects for School Construction Aid	Chapter 5 §405, sub§J §405, sub§3-K Chapter 609 §15901-15918 Title 30-A, §6006-E, 6006-F	State Board of Education Rulemaking Authority  Joint Rulemaking Authority with the Maine Municipal Bond Bank	Administer School Construction Projects Approval Process, coordinate with the Bureau of General Services and maintain a school facilities inventory, provide maintenance and capital improvement plan assistance, and participate with the Maine Municipal Bond Bank in the Maine School Facilities Finance Program and the Revolving Renovation Fund. Adopt and amend rules on standards for school construction.  Provide Technical Assistance	State Board of Education Commissioner  Maine Municipal Bond Bank
Education Technology	P & S 1995, Chapter 48 35-A §7101-7104B, 20-A, Chapter 801, §19101-19110 PUC Docket 94-254 1996 Federal Telecommunications Act		Establish and manage a Maine School and Library Network (data), The Maine Telecommunications Education Access Fund (MTEAF), ATM Distance Learning Network (data, video), and the Maine Learning Technology Initiative (individual computer devices). Access to the Federal E-Rate reduction in rates paid by local schools for telecommunications services	Commissioner

<b>Functions</b>	<b>MRSA, 20-A and Federal Statutory Reference</b>	<b>Policy/Rulemaking Authority</b>	<b>Administrative Authority</b>	<b>Implementation Who/How</b>
<p>Long-range Education Goals and standards for school performance, student performance, improvement of learning results, establishment of a skills development program for teachers, and implementation of a funding plan for essential programs and services</p>	<p>Chapter 5 §405, sub§3-S Chapter 606-B, §15671</p>	<p>State Board of Education to develop plan for achieving goals and standards for performance, learning results, skills development, programs for teachers, and definition/funding of essential programs and services and make recommendations to the Commissioner, and the Legislature.</p> <p>Commissioner's Rulemaking Authority for Essential Programs and Services</p>	<p>Department to administer</p>	<p>Commissioner State Board of Education</p>
<p>System of Learning Results Established</p>	<p>Chapter 222, §6209</p>	<p>Commissioner's Specific and General Rulemaking Authority</p>	<p>Department to Establish and Implement, in Consultation with the State Board of Education, a Comprehensive, Statewide System of Learning Results</p>	<p>Commissioner State Board of Education</p>

**State Board of Education**

<b>Functions</b>	<b>MRSA, 20-A and Federal Statutory Reference</b>	<b>Policy/Rulemaking Authority</b>	<b>Administrative Authority</b>	<b>Implementation Who/How</b>
State Assessment of Student Performance	Chapter 222 §6201-6208	Commissioner's General Rulemaking Authority	Administration of the statewide student assessment program	Commissioner
Degree Granting Institutions	Chapter 5 §405, sub§3-N Chapter 409 §10701-10714	State Board Rulemaking Authority	Participate as members of the review/visitation team  Approve use of "junior college", "college", "university" in a name. Approve out-of-state institutions offering courses. Recommend action to the legislature on full degree granting status. Provide technical assistance	State Board of Education Commissioner
School Health Services	Chapter 223 §6402-A §6403-A	Commissioner's General Rulemaking Authority	Commissioner to issue guidelines on the provision of school health services and health related activities	Commissioner
Health Screening	Chapter 223 §6451-6453	Commissioner of the Department of Health and Human Services Commissioner of the Department of Education	The Commissioner of DHS and DOE shall adopt rules and implementation direction for student health screening	Commissioner

State Board of Education

Functions	MRSA, 20-A and Federal Statutory Reference	Policy/Rulemaking Authority	Administrative Authority	Implementation Who/How
Sanitary Facilities	Chapter 223 §6501	State Board of Education Rulemaking Authority	State Board may adopt or amend rules as necessary	State Board of Education
Renewable five-year K-12 plan for education that promotes services for pre-school children	Chapter 5 §405, sub§3-T	State Board of Education to incorporate services for pre-school children into the plan for performance, learning results, teacher skills development, and definition/funding essential programs and services	State Board of Education to present plan to the Education Committee and the Legislature	State Board of Education Task Force on Learning Results Commissioner
Early Childhood Education Plans for Children Ages 4-9	Chapter 203 §4251-4254		Approve plans for programs. Subsidize costs of local early childhood programs. Provide technical assistance	Commissioner

Functions	MRSA, 20-A and Federal Statutory Reference	Policy/Rulemaking Authority	Administrative Authority	Implementation Who/How
Review periodically, the organization of school administrative units to identify current cooperative agreements between units and recommend cooperative agreements to units where appropriate	Chapter 5 §405, sub§3-U		State Board of Education to complete review and recommend cooperative agreements in report to Education Committee	State Board of Education Commissioner
Review Consolidation Statewide	Chapter 5 §405, sub§3-V	State Board of Education to study school consolidation statewide and develop a state coordination plan	State Board of Education to present state plan to Education Committee and the Legislature	State Board of Education Commissioner

<b>Functions</b>	<b>MRSA, 20-A and Federal Statutory Reference</b>	<b>Policy/Rulemaking Authority</b>	<b>Administrative Authority</b>	<b>Implementation Who/How</b>
School Lunch and Milk Program	Chapter 223 §6601 §6602, §§5, §6602, §§8, §§8-A, §6603 CFDA –10.553 School Breakfast Program 10.555 National School Lunch Program 10.556 Special Milk Program 10.559 Summer Food Service Program 10.560 CN & Food SAE	Commissioner’s Rulemaking Authority with State Board of Education Approval	Administer School Lunch, Breakfast, Milk, After School Snack, Summer Food Service Program and CN and Food Distribution, SAE.  Advise SFA’s & institutions of the requirements.  Provide training & technical assistance. Conduct on-site reviews based on criteria set forth by regulations. Monitor NET Cash Resources of each SFA nonprofit Food Service, Ensure annual audits.	Commissioner State Board of Education

Functions	MRSA, 20-A and Federal Statutory Reference	Policy/Rulemaking Authority	Administrative Authority	Implementation Who/How
Approval of Private Secondary Schools and Private Schools Approved for the Receipt of Public Funds	Chapter 117 §2901-2907 §2951, sub§1, 2, 3, 4, 5, 6, 7 §2954	Commissioner's General Rulemaking Authority	Basic approval, reporting requirements, student assessment requirements, annual reports, annual audits, penalty for non-compliance, receipt of public funding for Private Secondary schools, and non-traditional limited purpose school approval. Provide technical assistance. Approval of the receipt of public funds for tuition purposes for private schools.	Commissioner
Private Schools for Exceptional Students	Chapter 117 §3001		Enforce provisions of Chapter 301 and 303. Provide technical assistance.	Commissioner
Home Instruction and Equivalent Instruction Programs	Chapter 211 §5001-A sub3 §5021-5025	Commissioner's General Rulemaking Authority	Approve Home Instruction application and maintain records.	Commissioner
Unorganized Territory Schools	Chapter 119 §3201, §3202 §3251-3255 §3301-3305 §3351 §3401-3403	Commissioner's General Rulemaking Authority	Administer and operate the schools in the unorganized territories under the same laws, rules and standards as public schools are operated	Commissioner

Functions	MRSA, 20-A and Federal Statutory Reference	Policy/Rulemaking Authority	Administrative Authority	Implementation Who/How
Maine-New Hampshire Interstate School Compact	Chapter 121 §3601-3671	Rulemaking Authority with the Maine State Board of Education and the New Hampshire State Board of Education	The interstate district administered and operated as needed as prescribed by law	Commissioner of Maine Commissioner of New Hampshire State Board of Maine State Board of New Hampshire
Substance Abuse Programs	Chapter 223 §6604-6606 Federal No Child Left Behind Act of 2001, Title IV-A		Provide technical assistance	Commissioner
Compliance with Requirement Penalties	Chapter 225 §6801-A-6810		Enforce the requirements of Title 20-A by a number of measures in response to non-compliance by a local school administrative unit	Commissioner
Special Education	Chapters 301 §7001-7004, Chapters 303, 304, 305, 308, 311 Federal Individuals with Disabilities Education Act (IDEA), Part B	Commissioner's General Rulemaking Authority	Monitor and review local school administrative unit programs under rules and definitions, administer state responsibilities, perform annual cost benefit analysis of local programs and provide technical assistance including the Governor Baxter School for the Deaf and other private and state operated schools.	Commissioner

<b>Functions</b>	<b>MRSA, 20-A and Federal Statutory Reference</b>	<b>Policy/Rulemaking Authority</b>	<b>Administrative Authority</b>	<b>Implementation Who/How</b>
Exceptional Student Programs Finances	Chapters 301, 303, 304, 305, 308, 311 §7201-7302 §7501-7502 §7504 Federal IDEA	Commissioner's General Rulemaking Authority	Monitor and review local school administrative unit programs under rules and statute, administer state responsibilities, provide state aid and technical assistance to locals. Provide oversight of programs for public school students in private schools, state institutions and child care facilities	Commissioner
Governor Baxter School for the Deaf	Chapter 304 §7401-7412		Review Governor Baxter School for the Deaf budget, submit to the Governor for approval and include in Department budget. Provide administrative assistance according to terms of agreement	Commissioner
Infants and Children, Ages 0 to School Age 5 with Disabilities	Chapter 307-A §7724-7736 Federal IDEA, Part C (0-2) and Part B, Section 619 (3-5)	Commissioner's General Rulemaking Authority	Monitor local programs, administer state responsibilities and provide technical assistance	Commissioner
Transitional Services Coordination Projects for Handicapped Persons	Chapter 308 §7801-7805	Commissioner's General Rulemaking Authority	Administer department role and responsibilities in providing the transitional services required.	Commissioner

State Board of Education

<b>Functions</b>	<b>MRSA, 20-A and Federal Statutory Reference</b>	<b>Policy/Rulemaking Authority</b>	<b>Administrative Authority</b>	<b>Implementation Who/How</b>
Gifted and Talented Students	Chapter 309 §8101-8104	Commissioner's General Rulemaking Authority	Monitor local programs, administer state responsibilities and provide technical assistance.	Commissioner
Driver Education	Chapter 207-A §4728		Monitor local secondary programs if they are offered as part of the secondary courses of study in accordance with Chapter 316.	Commissioner
Summer Schools	Chapter 317 §8801,8802	Commissioner's General Rulemaking Authority	Approve schools and tuition rates and administer state responsibilities.	Commissioner
School Transportation	Chapter 215 §5401-5402 29-A MRSA §2311	Commissioner's General Rulemaking Authority	Approve school bus purchases within a maximum ceiling of available state funds.	Commissioner
Correspondence Schools	Chapter 321 §9201-9204	Commissioner's General Rulemaking Authority	Review applications, award certificates and collect fees.	Commissioner
Private Business, Trade and Technical Schools	Chapter 323 §9501-9508	Commissioner's General Rulemaking Authority	Review application, grant licenses, collect fees and enforce rules.	Commissioner

<b>Functions</b>	<b>MRSA, 20-A and Federal Statutory Reference</b>	<b>Policy/Rulemaking Authority</b>	<b>Administrative Authority</b>	<b>Implementation Who/How</b>
Students in Long Term Drug Treatment Centers	Chapter 327 §9701-9706 Federal No Child Left Behind Act of 2001	Commissioner's General Rulemaking Authority	Approve and monitor programs and reports, fund as prescribed and provide technical assistance.	Commissioner
Habitual Truant	Chapter 211 §5051, §5052-A §5053, §5054 §5151-5153 Federal No Child Left Behind Act	Commissioner's General Rulemaking Authority	Provide technical assistance to school administrative units.	Commissioner
Drop Outs	Chapter 211 §5102-5104-A Chapter 211 §5151-5153 Federal No Child Left Behind Act – Title I	Commissioner's General Rulemaking Authority	Provide technical assistance to school administrative units.	Commissioner

State Board of Education

<b>Functions</b>	<b>MRSA, 20-A and Federal Statutory Reference</b>	<b>Policy/Rulemaking Authority</b>	<b>Administrative Authority</b>	<b>Implementation Who/How</b>
Homeless Students	Chapter 1 §13-A, §5205 Federal Stewart B. McKinney Homeless Assistance Act Federal Title X-Part C Federal No Child Left Behind Act	Commissioner's General Rulemaking Authority	Provide Technical Assistance.	Commissioner
Post-Secondary Education	Chapter 401 (General Post Secondary) Chapter 409 (Degree Granting Institutions) Chapter 323 (Private Business Trade & Technical Schools) Chapter 208-A Postsecondary Enrollment §4771-4775 Chapter 321 (Correspondence Schools)	Commissioner's General Rulemaking Authority	Administer the state responsibility of being the state post secondary review entity for the purpose of carrying out the program integrity of the Higher Education Act of 1965.	Commissioner

<b>Functions</b>	<b>MRSA, 20-A and Federal Statutory Reference</b>	<b>Policy/Rulemaking Authority</b>	<b>Administrative Authority</b>	<b>Implementation Who/How</b>
Innovative Educational Grants and Technology Literacy Grants	Chapter 612 §17101-17104 Federal No Child Left Behind Act of 2001, Title V-A, Technology – Title II- D, Reading, Early Reading, Title I-B-1 and Title I-B-2		Administer grant program and provide technical assistance	Commissioner
Child Care Services and Parenting Education	Chapter 223 §6651-6654	Commissioner’s General Rulemaking Authority	Authorizes the Commissioner to approve child care and parenting education programs operated by school administrative units	
Maine School of Science and Mathematics	Chapter 312 §8201-8207	Commissioner on the Board of Trustees	Maine School of Science and Mathematics budget submitted through the Department and included in Department budget	Commissioner
English as a Second Language and Bilingual Education	No Child Left Behind Act of 2001, Title III		Administer discretionary supplemental projects to schools, colleges and non-profit organizations	Commissioner

## **Section B.**

### **COMMITTEES**

#### **STANDING COMMITTEES**

1. Career and Technical Education (CTE)
  - a. Philip Dionne, Chair
  - b. Jack Norris
2. School Construction
  - a. Ellie Multer, Chair
  - b. Jean Gulliver
  - c. Jim Carignan
3. Higher Education/Certification
  - a. Janet Tockman, Chair
  - b. Ann Weisleder
  - c. Jim Carignan
4. Legislation and Legislative Affairs Committee
  - a. Committee Chairs
  - b. Board Chair
  - c. Board Vice Chair
5. Education Research Institute Steering Committee
  - a. Jim Carignan

#### **COMMITTEE ASSIGNMENTS**

1. George M. Briggs Award (When Appropriate)
  - a. Phil Dionne, Chair
  - b. Joyce McPhetres
  - c. Jack Norris

**RECOGNITION AWARDS**

1. Making the Grade Award
  - a. Jack Norris, Chair
  - b. Janet Tockman
  - c. Joyce McPhetres
2. Teacher of the Year (Co-sponsor)
  - a. Joyce McPhetres

**AD-HOC COMMITTEES/TASK FORCE WORK (Task Specific/Time Limited)**

1. Select Panel on Revisioning Education in Maine
  - a. Jim Carignan, Chair
  - b. Wes Bonney
  - c. Jean Gulliver
2. Charter School Committee
  - a. Ellie Multer
  - b. Jim Carignan
3. Committee on Definition of Adequate Education Program
  - a. Jim Carignan, Chair
  - b. Wes Bonney
  - c. Jean Gulliver
  - d. Joyce McPhetres
  - e. Ellie Multer
4. Foreign Language Teacher Study Committee
  - a. Jim Carignan, Chair
  - b. Ann Weisleder

**AFFILIATED ASSIGNMENTS AND/OR APPOINTMENTS**

1. Maine Leadership Consortium
  - a. Jim Carignan
2. Maine Mathematics and Science Alliance Steering Committee

- a. Jim Carignan
3. Maine Coalition for Excellence in Education
  - a. Jim Carignan
  - b. Wes Bonney
  - c. Jean Gulliver
4. Governor's Pre K-16 Task Force
  - a. Jean Gulliver
  - b. Jim Carignan
5. Gender Equity Task Force
  - a. Joyce McPhetres
6. Learning Results Review Advisory Committee
  - a. Ellie Multer
7. Policy Advisory Committee for Comprehensive Assessment System
  - a. Ellie Multer
8. School Governance Task Force
  - a. Joyce McPhetres
9. Special Education Eligibility Task Force
  - a. Janet Tockman

**GUBERNATORIAL APPOINTMENTS**

1. Jobs for Maine's Graduates Board of Directors
  - a. Phil Dionne

**Section C.**

**RECOGNITION PROGRAMS**

**MAKING THE GRADE AWARD**

Special recognition of an exemplary program, which encourages a partnership and fosters outstanding community/school or business/school involvement.

Each September/October, a request for application is distributed statewide, by the Board, to provide for an adequate pool of candidates. Awards are presented to the winners at an appropriate celebratory event.

A committee of Board members is responsible for the program - annually appointed.

Yearly reviewed by the Board to determine continuance and identify the theme of the year's competition.

Date of inception: March 1991

Duration: Annually

**TEACHER OF THE YEAR PROGRAM** (Annual Award)

The State Board of Education began its Teacher of the Year Award Program in 1958. The program has grown to include the funding support of Maine businesses especially Hannaford Brothers, Maine Public Broadcast Network, and Geiger Brothers, and an extended media campaign to promote the Teacher of the Year Program.

The direct role of the State Board is to participate in the selection process for the Teacher of the Year finalists, participate in the presentation of the award at a school assembly, and to participate in the annual recognition dinner.

Significant parts of the program include an applicant recognition ceremony, applicant scoring by region, Maine Public Broadcasting Network program with regional finalists, site visits, oral presentation, portfolio assessment, former Teacher of the Year interviews and noon hour appearances on Channels 2 and 6 (NBC) for the 3 state finalists.

The teacher selected represents the most desirable qualities of the teaching profession. The teacher brings to the classroom exemplary skills and abilities recognizable by students, colleagues, and the community, and serves along with other finalists as educational leaders for Maine.

Date of inception: 1958

Duration: Annually

**GEORGE M. BRIGGS AWARD**

The George M. Briggs Trust Fund was established under Article 4 of the will of George Millett Briggs of Turner, in Androscoggin County, Maine. Under the terms set forth in the will, the Commissioner of Education is to disburse the net income of the funds for “special purposes” in the field of career and technical education (applied technology). Such “special purposes” must “first meet the approval of the majority of the Maine State Board of Education.” The fund must be used “with a view of enabling the young people of Maine to be qualified to become self-supporting and useful citizens of the State.”

Three Board members may be appointed by the Chair to collaborate with the Commissioner’s applied technology designee. The designee processes the applications for grant proposals. The George M. Briggs State Board Subcommittee reviews the grant proposals, selects a recipient(s) and presents the recommendation(s) for funding to the Maine State Board of Education for majority approval. Grants for innovative projects, collaboration between a school and business/industry, support of statewide initiatives, promotion of integrated studies, and the delivery of career and technical education (applied technology) to adults in satellite locations have been priorities for funding.

Inception: February 1948

Duration: Annually

**STANDING COMMITTEE: HIGHER EDUCATION/CERTIFICATION**

Committee Purpose:

- To review, evaluate and make recommendation on issues of teacher certification to the State Board of Education.
- To review, evaluate, and make recommendations on issues of higher education, particularly in relation to teacher preparation programs and the granting of new degree programs.

Statutory References:

- 20-A §8 #3
- Chapter 5 8501 F,N
- Chapter 502 §13011 - §13023

Staff Support:

1. State Board Clerk
2. DOE staff on committees
3. Support Services Team Leader, Judy Malcolm
4. Director of Certification, Nancy Ibarguen

5. Higher Education Specialist, Harry Osgood

Goals and Objectives:

To provide the State Board of Education with detailed and reliable information to make informed decisions on teacher certification program approval as degree programs. Teacher certification is carried out jointly in cooperation with National Council for Accreditation of Teacher Education (NCATE) with whom Maine has a partnership.

Performance Reports:

- None

Barriers to Performance:

- Limits of Department of Education staff time due to departmental downsizing.
- Minimal staff support to facilitate Board work.

Coordination with Other Agencies/Affiliates:

- Department of Education
  - Support Services Team Leader
  - Director of Certification
  - Higher Education Specialist
- National Commission on Teaching and America's Future Work Group
- National Council for Accreditation of Teacher Education (NCATE)
- Maine Education Association (MEA)
- Maine School Management Association (MSMA)
- Chancellor of University of Maine System
- Deans/Directors of Teacher Education Programs at all colleges
- Maine Community College System

Constituencies Served by Committee:

- State Board of Education
- University of Maine System
- Private Colleges
- Colleges seeking program approval
- Citizens requesting courses requiring approval of out-of-state college allowing them to offer courses in Maine

- Out of state institutions seeking approval to offer courses to meet citizen needs
- Citizens seeking certification through alternate pathways
- School Administrative Units
- Administrators
- Students and citizens
- Joint Standing Committee on Education and Cultural Affairs
- Legislature

**STANDING COMMITTEE: CONSTRUCTION/REGIONALIZATION**

Committee Purpose:

To review, evaluate and make recommendations on all school construction projects that will be brought before the State Board of Education for site, concept, and funding approval. The committee also advises the State Board on matters pertaining to school construction that will assure adequate and equitable policies and other measures to address Maine's school facilities needs.

Statutory Reference:

- Title 20-A MRSA Chapter 5 Section 404
- Title 20-A MRSA Chapter 609 Section 15901-15911

Staff Support/All Phases:

- Department of Education
- Bureau of General Services

Goals and Objectives:

To provide the State Board of Education with sufficient background to make the most informed decision possible on school construction site selection, concept, and funding approvals and to assure compliance with all applicable State Board Rules and State Statutes. Additionally, the committee provides guidance to the State Board by recommending changes to the Rules and Statutes that will assure a sensible, timely, and predictable program of public financing of statewide school construction and renovation needs.

Performance Reports:

- None

**Barriers to Performance:**

The division of responsibilities between the Department of Education and the Bureau of General Services has implications for the State Board of Education and can impinge on the relationship between the school administrative unit and the Board and Department. A clear demarcation of responsibilities as well as an improved level of communication (from BGS to DoE and SBE) beginning at early points in the deliberations on construction projects as well as on policies and practices around school construction, would enhance the ability of the State Board of Education to maintain the critical connection between construction and education.

**Areas Coordinated with Other Agencies/Affiliates:**

- Department of Education - approval preparation/program analysis
- Bureau of General Services - design and construction oversight
- State Planning Office - planning and population projections
- Department of Administrative and Financial Services - budget and debt projections

**Constituencies Served by Committee:**

- State Board of Education
- School children and citizens of Maine
- Teachers, administrators, parents, and community members
- Department of Education
- Joint Standing Committee on Education and Cultural Affairs
- Legislature

**STANDING COMMITTEE: CAREER AND TECHNICAL EDUCATION**

To bring to the full State Board of Education for its approval any and all pertinent materials so that the State Board may perform its duties, including its fiduciary responsibilities, as the agency responsible for the administration and oversight the state career technical education (CTE) program.

**Statutory Reference:**

Carl D. Perkins Vocational and Applied Technology Education Act of 1990 Sec. 111-Title 20-A Chapter 5 4053Q - Title 20-A Chapter 5 405-7

**Staff Support:**

- Department of Education career and technical education personnel

Goals and Objectives:

To meet Carl D. Perkins Vocational and Applied Technology Education Act in a timely manner, and to oversee the implementation of the recent CTE Visioning document.

Other Agencies:

- Maine Jobs Council
- Maine Association of Vocational Education Administrators

Constituencies:

- Secondary and post-secondary students
- Administration of CTE Programs
- Department of Education
- Teachers in the CTE Program

**MAKING THE GRADE AWARD**

Purpose:

To award schools throughout Maine for established innovative programs which encourage partnerships and foster community based or business/school involvement.

Statutory Reference:

Ad hoc committee appointed by the State Board of Education

Staff Support/All Phases:

- Department of Education

Goals and Objectives:

Recognize an established creative programs for partnerships with communities and/or schools

Performance Reports:

- Yearly awards and report given at State Board meetings

**Barriers to Performance:**

- Few applicants
- Publicizing the award

**Areas Coordinated with Other Agencies/Affiliates:**

- Schools throughout Maine

**Constituencies Serves by Committee:**

- Schools, communities, and businesses throughout Maine

**TEACHER OF THE YEAR AWARD**

**Purpose:**

To identify and honor a Maine State Teacher of the Year: 1) by participating in the selection process; 2) participating in the presentation of the award at a school assembly; 3) and to host the annual recognition dinner.

**Statutory Reference:**

- Ad hoc committee

**Staff Support/All Phases:**

- Department of Education

**Goals and Objectives:**

- To identify excellent Maine teachers
- To celebrate the teaching profession

**Performance Reports:**

- Reports to the State Board as appropriate throughout the year

**Barriers to Performance:**

- Lack of applicants

**Areas Coordinated with Other Agencies/Affiliates:**

- Funding support provided through some Maine businesses, especially Hannaford, Geiger Bros., and Maine Public Broadcast Network

**Constituencies Served by Committee:**

- The educational system in Maine
- All teachers within the state
- All students in Maine

**GEORGE M. BRIGGS AWARD**

**Purpose:**

To review proposals and make recommendations for the approval of programs to enhance career and technical education to the State Board of Education. With State Board approval, the Commissioner of Education may draw from a special account designated “George M. Briggs Fund” to support recommended proposals.

**Statutory Reference:**

- Will of George Millett Briggs
- (Approximately 1881 Legislature set a maximum per year of \$25,000)

**Staff Support:**

- Department of Education Career and Technical Education personnel

**Goals and Objectives:**

## **State Board of Education**

To see that a recommendation is brought to the State Board of Education in a timely manner so the awards can be made before the beginning of the school year.

### **Constituencies Served by the Committee:**

- Career and Technical Education Applicants

**Section D.**

**TEN-YEAR FINANCIAL SUMMARY**

<b>Year</b>	<b>Expended Amount</b>	<b>Allotted Amount</b>
1996	\$263,675.18	\$281,662.00
1997	\$86,793.46	\$95,106.00
1998	\$131,314.54	\$168,313.00
1999	\$128,305.28	\$152,524.00
2000	\$132,595.49	\$241,023.00
2001	\$210,980.49	\$307,548.00
2002	\$199,379.10	\$395,479.00
2003	\$272,939.61	\$350,917.00
2004	\$141,730.81	\$173,513.00
2005	\$84,106.81	\$157,703.00
2006	\$54,569.14	\$150,542.00

**Section E.**

**EMERGING ISSUES FOR THE STATE BOARD**

**Please refer to Executive Summary, page 4.**